



PATENT
Case No. 33-858

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

June 3, 2004

Date of Mailing

ANDREW D. STOVER, Reg. No. 38,629

Name of applicant, assignee or
Registered Representative

Signature

June 3, 2004

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Buehler, et al.

Serial No: 10/084,607

Filed: February 27, 2002

For: CRASH CUSHION WITH DEFLECTOR
SKIN

)
)
) Examiner: Hartmann, Gary S.
)
)
) Group Art No: 3671
)
)
)
)

**REQUEST FOR CONSIDERATION OF TIMELY FILED INFORMATION
DISCLOSURE STATEMENT AND REFERENCES**

MS ISSUE FEE
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request reconsideration of the Information Disclosure Statement (Tab A), Form PTO-1449 (Tab A) and nineteen (19) references timely filed in the above-identified application on May 28, 2002. A copy of a stamped return Post

S/N 10/084,607

Attorney Ref. No.: 33-858

Card (Tab B) demonstrates that the above-noted items were filed on May 28, 2002. The Examiner, however, apparently did not consider three foreign references submitted with the Information Disclosure Statement, as indicated by the initialed Form PTO-1449 (Tab C). Applicants respectfully request that the Examiner review those references and initial another Form PTO-1449 (Tab A) to indicate his consideration thereof.

Applicants note that pursuant to 37 CFR 1.98(a)(3)(i), they provided a concise explanation of the references, which were not in English, in the Information Disclosure Statement (Tab A). Courtesy copies of the three noted references are enclosed herewith.

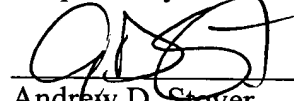
Since the Information Disclosure Statement, Form PTO-1449 and references were timely filed, Applicants submit that no additional fee is required. However, should any fees associated with this communication be deemed necessary for any reason, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925.

If any additional information is needed by the Examiner concerning this matter, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: June 3, 2004

By:

Respectfully Submitted,



Andrew D. Stover
Reg. No. 38,629
Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.
Post Office Box 10395
Chicago, Illinois 60610
(312) 321-4200



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, Washington, D.C. 20231, on

5/21/02

Date of Deposit

Andrew D. Stover

Name of Applicant, Assignee or
Registered Representative



Signature

5/21/02

Date of Signature

Our Case No.: 33/858

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Buehler et al.

Serial No.: 10/084,607

Filing Date: February 27, 2002

For: CRASH CUSHION WITH
DEFLECTOR SKIN

Examiner: To be assigned

Group Art Unit No.: 3673

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

No.	Date	Name
3,845,936	11/1974	Boedecker, Jr. et al.
3,856,268	12/1974	Fitch
3,880,404	4/1975	Fitch
4,583,716	4/1986	Stephens et al.
4,645,375	2/1987	Carney, III
5,011,326	4/1991	Carney, III
5,403,112	4/1995	Carney, III
5,607,252	3/1997	Tischer
5,733,062	3/1998	Oberth et al.
6,116,805	9/2000	Gertz
6,126,144	10/2000	Hirsch et al.
6,293,727	9/2001	Albritton
6,340,268	1/2002	Alberson et al.

FOREIGN PATENT PUBLICATIONS

DOCUMENT NUMBER	DATE	COUNTRY
DE 31 06 694 A1	9/1982	Germany
DE 38 09 470	10/1989	Germany
2 691 124	11/1993	France

OTHER REFERENCES

1. "QuadGuard®, A Proven-Effective Crash Cushion", *Energy Absorption Systems, Inc.*, 2000, pp. 1-37
2. "Saving Lives by Design", *Energy Absorption Systems, Inc.*, pp. 1-15, 1998.
3. "QuadGuard®, Family of Crash Cushions", *Energy Absorption Systems, Inc.*, 8/97.

Pursuant to 37 C.F.R. § 1.98(a)(3)(i), and based upon a review of the drawing figures by the undersigned attorney, each of the German patents DE 31 06 694 A1 and


DE 38 09 470 and the French patent 2 691 124, which are not in English, appear to show various crash cushions and energy attenuating devices.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

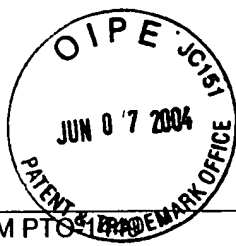
Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew D. Stover', written over a horizontal line.

Andrew D. Stover
Registration No. 38,629
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



FORM PTO-1700	SERIAL NO. 10/084,607	CASE NO. 33/858
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE February 27, 2002	GROUP ART UNIT 3673
(use several sheets if necessary)		APPLICANT(S): Buehler et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,845,936	11/1974	Boedecker, Jr. et al.		
	A2	3,856,268	12/1974	Fitch		
	A3	3,880,404	4/1975	Fitch		
	A4	4,583,716	4/1986	Stephens et al.		
	A5	4,645,375	2/1987	Carney, III		
	A6	5,011,326	4/1991	Carney, III		
	A7	5,403,112	4/1995	Carney, III		
	A8	5,607,252	3/1997	Tischer		
	A9	5,733,062	3/1998	Oberth et al.		
	A10	6,116,805	9/2000	Gertz		
	A11	6,126,144	10/2000	Hirsch et al.		
	A12	6,293,727	9/2001	Albritton		
	A13	6,340,268	1/2002	Alberson et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	A14	DE 31 06 694 A1	9/1982	Germany			X
	A15	DE 38 09 470	10/1989	Germany			X
	A16	2 691 124	11/1993	France			X

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A17	"QuadGuard®, A Proven-Effective Crash Cushion", <i>Energy Absorption Systems, Inc.</i> , 2000, pp. 1-37
	A18	"Saving Lives by Design", <i>Energy Absorption Systems, Inc.</i> , pp. 1-15, 1998.
	A19	"QuadGuard®, Family of Crash Cushions", <i>Energy Absorption Systems, Inc.</i> , 8/97.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Applicant: Buehler and Welch
Serial No: 10/084,607
Client/Matter: 33-858

Check for \$1770.00 for the filing fee, surcharge and fee for 36 additional claims; Transmittal (in duplicate); Response to Notice to File Missing Parts of Application Filing Date Granted with a copy of the Notice to File Missing Parts of Nonprovisional Application (in duplicate); Declaration; Power of Attorney; Submission of Formal Drawings; six (6) formal drawing sheets; Information Disclosure Statement (in duplicate); Form PTO 1449; copies of 19 cited references; and return receipt postcard.

Director of Tr
Washington,

Please acknc

BRINKS HOFER GILSON & LIONE

By: Andrew D. Stover, Reg. No. 38,629

Date of Mailing

5-21-03



00757

PATENT TRADEMARK OFFICE

By

BRINKS HOFER GILSON & LIONE

A PROFESSIONAL CORPORATION



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FORM TO-1449	SERIAL NO. 10/084,607	CASE NO. 33/858
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE February 27, 2002	GROUP ART UNIT 3673
(use several sheets if necessary)		APPLICANT(S): Buehler et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,845,936	11/1974	Boedecker, Jr. et al.		
	A2	3,856,268	12/1974	Fitch		
	A3	3,880,404	4/1975	Fitch		
	A4	4,583,716	4/1986	Stephens et al.		
	A5	4,645,375	2/1987	Carney, III		
	A6	5,011,326	4/1991	Carney, III		
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	A8	5,607,252	3/1997	Tischer		
	A9	5,733,062	3/1998	Oberth et al.		
	A10	6,116,805	9/2000	Gertz		
	A11	6,126,144	10/2000	Hirsch et al.		
	A12	6,293,727	9/2001	Albritton		
	A13	6,340,268	1/2002	Alberson et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	A14	DE-31-06-694 A1	9/1982	Germany			X
	A15	DE-38 09-470	10/1989	Germany			X
	A16	2-691-124	11/1993	France			X

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A17	"QuadGuard®, A Proven-Effective Crash Cushion", <i>Energy Absorption Systems, Inc.</i> , 2000, pp. 1-37
	A18	"Saving Lives by Design", <i>Energy Absorption Systems, Inc.</i> , pp. 1-15, 1998.
	A19	"QuadGuard®, Family of Crash Cushions", <i>Energy Absorption Systems, Inc.</i> , 8/97.

BEST AVAILABLE COPY

EXAMINER 	DATE CONSIDERED 9-15-2003
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Notice of References Cited

Application/Control No. 10/084,607		Applicant(s)/Patent Under Reexamination BUEHLER ET AL.	
Examiner Gary Hartmann		Art Unit 3671	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,554,529	04-2003	Stephens et al.	404/6
	B	US-6,461,076	10-2002	Stephens et al.	404/6
	C	US-6,427,983	08-2002	Leonhardt et al.	256/13.1
	D	US-6,082,926	07-2000	Zimmer, Richard A.	404/6
	E	US-5,125,762	06-1992	Strassil, Carlo	404/6
	F	US-4,452,431	06-1984	Stephens et al.	256/13.1
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.